

109TH CONGRESS  
1ST SESSION

# H. R. 156

To require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fairness to All Viet-  
5       nam Veterans Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds as follows:

1           (1) Public Law 96–297 (94 Stat. 827) author-  
2           ized the Vietnam Veterans Memorial Fund, Inc.,  
3           (the “Memorial Fund”) to construct a memorial “in  
4           honor and recognition of the men and women of the  
5           Armed Forces of the United States who served in  
6           the Vietnam war”.

7           (2) The Memorial Fund determined that the  
8           most fitting tribute to those who served in the Viet-  
9           nam war would be to permanently inscribe the  
10          names of the members of the Armed Forces who  
11          died during the Vietnam war, or who remained miss-  
12          ing at the conclusion of the war, on a memorial wall.

13          (3) The Memorial Fund relied on the Depart-  
14          ment of Defense to compile the list of individuals  
15          whose names would be inscribed on the memorial  
16          wall and the criteria for inclusion on such list.

17          (4) The Memorial Fund established procedures  
18          under which mistakes and omissions in the inscrip-  
19          tion of names on the memorial wall could be cor-  
20          rected.

21          (5) Under such procedures, the Department of  
22          Defense established eligibility requirements that  
23          must be met before the Memorial Fund will make  
24          arrangements for the name of a veteran to be in-  
25          scribed on the memorial wall.

1           (6) The Department of Defense determines the  
2           eligibility requirements and has periodically modified  
3           such requirements.

4           (7) As of February 1981, in order for the name  
5           of a veteran to be eligible for inscription on the me-  
6           morial wall, the veteran must have—

7                   (A) died in Vietnam between November 1,  
8                   1955, and December 31, 1960;

9                   (B) died in a specified geographic combat  
10                  zone on or after January 1, 1961;

11                  (C) died as a result of physical wounds  
12                  sustained in such combat zone; or

13                  (D) died while participating in, or pro-  
14                  viding direct support to, a combat mission im-  
15                  mediately en route to or returning from such  
16                  combat zone.

17           (8) Public Law 106–214 (114 Stat. 335) au-  
18           thorizes the American Battle Monuments Commis-  
19           sion to provide for the placement of a plaque within  
20           the Vietnam Veterans Memorial “to honor those  
21           Vietnam veterans who died after their service in the  
22           Vietnam war, but as a direct result of that service,  
23           and whose names are not otherwise eligible for  
24           placement on the memorial wall”.

1           (9) The names of a number of veterans who  
2       died during the Vietnam war are not eligible for in-  
3       scription on the memorial wall or the plaque.

4           (10) Examples of such names include the  
5       names of the 74 servicemembers who died aboard  
6       the U.S.S. Frank E. Evans (DD-174) on June 3,  
7       1969, while the ship was briefly outside the combat  
8       zone participating in a training exercise.

9   **SEC. 3. STUDY AND REPORT.**

10       (a) STUDY.—The Secretary of Defense shall conduct  
11   a study that—

12           (1) identifies the veterans (as defined in section  
13       101(2) of title 38, United States Code) who died on  
14       or after November 1, 1955, as a direct or indirect  
15       result of military operations in southeast Asia and  
16       whose names are not eligible for inscription on the  
17       memorial wall of the Vietnam Veterans Memorial;

18           (2) evaluates the feasibility and equitability of  
19       revising the eligibility requirements applicable to the  
20       inscription of names on the memorial wall to be  
21       more inclusive of such veterans; and

22           (3) evaluates the feasibility and equitability of  
23       creating an appropriate alternative means of rec-  
24       ognition for such veterans, including any such alter-

1 natives involving an education center at the Vietnam  
2 Veterans Memorial.

3 (b) REPORT.—Not later than 180 days after the date  
4 of the enactment of this Act, the Secretary of Defense  
5 shall submit to Congress a report based on the study con-  
6 ducted under subsection (a). Such report shall include—

7 (1) the reasons (organized by category) that the  
8 names of the veterans identified under subsection  
9 (a)(1) are not eligible for inscription on the memo-  
10 rial wall under current eligibility requirements, and  
11 the number of veterans affected in each category;

12 (2) a list of the alternative eligibility require-  
13 ments considered under subsection (a)(2);

14 (3) a list of the alternative means of recognition  
15 considered under subsection (a)(3); and

16 (4) the conclusions and recommendations of the  
17 Secretary of Defense with regard to the feasibility  
18 and equitability of each alternative considered.

19 (c) CONSULTATIONS.—In conducting the study under  
20 subsection (a) and preparing the report under subsection  
21 (b), the Secretary of Defense shall consult with—

22 (1) the Secretary of Veterans Affairs;

23 (2) the Secretary of the Interior;

24 (3) the Vietnam Veterans Memorial Fund, Inc.;

- 1           (4) the American Battle Monuments Commis-
- 2       sion;
- 3           (5) the Vietnam Women's Memorial, Inc.; and
- 4           (6) the National Capital Planning Commission.

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